

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P13078WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002736	International filing date (day/month/year) 14 August 2003 (14.08.2003)	Priority date (day/month/year) 14 August 2002 (14.08.2002)
International Patent Classification (IPC) or national classification and IPC H04L 12/56		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 March 2004 (01.03.2004)	Date of completion of this report 02 December 2004 (02.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/002736

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-11, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages 1-11, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages 1/1, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 03/02736

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

1. Although no amendments to the application were submitted with the letter of 04.11.2004 (received on 23.11.2004), the applicant's written response sets out detailed arguments and the current substantive matter has been reconsidered in the light thereof. The resulting conclusions are set out in Box V below.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

### 2. Citations and explanations

#### 1. Reference is made to the following documents:

D1: WO 01/54448 A (ENGEL THOMAS; SIEMENS AG (DE);  
CHARZINSKI JOACHIM (DE); PREHOFER CHRI)  
26 July 2001 (2001-07-26)

D2: BRESLAU ET AL: "Endpoint Admission Control:  
Architectural Issues and Performance",  
PROCEEDINGS OF ACM SIGCOMM, XX, XX,  
28 August 2000 (2000-08-28), pages 57-69,  
XP002152149.

2. Document D1, considered to be the closest prior art, discloses a method in which the free capacity available to an access node for the transfer of traffic flows to a communications network, relative to the total transfer capacity of the communications network, is determined from said access node in the communications network in order to control the access of traffic flows to the communications network.

2.1 The subject matter of claim 1 differs from this known method for controlling the access of traffic

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flows to a communications network in that an access check is applied to a traffic flow, using a threshold value for the volume of traffic between a network ingress node and a network egress node of said traffic flow.

2.2 Thus, the problem addressed by the present invention is that of providing a simple, fast-reacting access check that maintains the existing flexibility of routing in packet networks.

2.3 Although document D1 discloses the use of a bandwidth limit for each route to other transmission nodes in the communications network (and thus between two network nodes), for a person skilled in the art this would tend to suggest route-based reservation, whereas according to the subject matter of claim 1 the choice of route between a traffic flow ingress node and a traffic flow egress node within the network remains unrestricted.

In addition, the disclosure of document D2 does not go beyond that of D1.

2.4 The cited documents D1 and D2, whether read alone or in combination, do not render the subject matter of claim 1 obvious to a person skilled in the art.

In consequence, the subject matter of claim 1, as well as the further embodiments according to the additional features of its dependent claims, claims 2 to 11, can be considered to involve an inventive step. The present application therefore satisfies the requirements of PCT Article 33(1) to (4).

3. All the independent claims should have been drafted in the two-part form, the features known in combination from prior art document D1 being placed in the preamble (PCT Rule 6.3(b)(i)) and the remaining features specified in the characterising part (PCT Rule 6.3(b)(ii)).
4. Pursuant to PCT Rule 5.1(a)(ii), the description should have cited documents D1 and D2 and briefly outlined the relevant prior art contained therein.
5. The term "inequation" [German text: "ungleichung"] used in claims 7 and 11 has no generally accepted meaning and leaves the reader uncertain as to the meaning of the technical feature in question. As a result, the subject matter of said claim is not clearly defined (PCT Article 6).